APPENDIX

Appendix A

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

April 17, 2006

William K. Suter
Clerk of the Court
(202) 479 3011

Mr. Robert Olson
9022 E 60th Street
Tulas, OK 74145

Re: In Re Robert Olson
No. 05-1057

Dear Mr. Olson:

The Court today entered the following order in the above-entitled case:

The petition for a writ of Mandamus is denied.

Sincerely,

s\ William K. Suter
William K. Suter, Clerk

APPENDIX B

House of Representatives

STATE OF OKLAHOMA

April 7, 2006

FRED PERRY
STATE REPRESENTATIVE, DISTRICT 69

CAPITOL ADDRESS:
405 STATE CAPITOL BUILDING
2300 N. LINCOLN BLVD.
OKLAHOMA CITY, OK 73105-4885
(405) 557 7331

COMMITTEES

CHAIRMAN:
TRANSPORTATION

MEMBER:
CORRECTIONS & CRIMINAL JUSTICE
HIGHER EDUCATION
RULES

Robert Olson
9022 E. 60th
Tulas, OK 74136 (Actually: 74145)

Dear Bob:

Please see attached. Our efforts have paid off in getting the Supreme Court to address the issue of "intermediate discipline" for judges.

Now let's hope and pray they write good rules and procedures to address the problem.

s\ Fred

Fred

APPENDIX C

SUPREME COURT OF OKLAHOMA

STATE OF OKLAHOMA
ROOM 245 - STATE CAPITOL
OKLAHOMA CITY, OKLAHOMA 73105

April 6, 2006

JOSEPH M. WATT
Chief Justice

(405) 521-3848
FAX (405) 521-6982
E-mail Address: joseph.watt@oscn.net

The Honorable Fred Perry
House of Representatives
State Capitol Bldg., Rm. 405
Oklahoma City, OK 73105

Dear Representative Perry:

On behalf of the entire Judiciary, I want to commend you for your efforts with regard to your legislation concerning intermediate discipline of judges and for your cooperation in working with the Bench and Bar Committee of the Oklahoma Bar Association, the Council on Judicial Complaints, and others who have an interest in this area.

I know that this has been an important issue to you

since we first met in my chambers just prior to last year's legislative session.

I am indeed pleased that our Court has adopted the Supreme Court Administrative Directive (a copy of which is enclosed) which will deal directly with the issue of intermediate discipline of judges and I am confident that once rules have been promulgated that the issues and concerns of all involved in this process will be addressed.

Lastly, let me extend my personal thanks and gratitude for your years of public service as a member of the House of Representatives and please know that we in the Judiciary appreciate all that you have done for us in the past. Your talents, expertise, and dedication will be missed.

Please do not hesitate to contact me if I may be of any assistance to you.

Sincerely,

s\ Joseph M. Watt

Joseph M. Watt
Chief Justice

ORIGINAL

APPENDIX D

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

SUPREME COURT	)	FILED
ADMINISTRATIVE	)	SUPREME COURT
DIRECTIVE	)	STATE OF OKLAHOMA
		MAR 30 2006
S.C.A.D. No. 2006 - 36		MICHAEL S. RICHIE
		CLERK

FOR PUBLICATION IN OBJ
ONE TIME ONLY

ORDER

Pgr 1 The general, exclusive, operational and administrative authority over all of the courts of this state, except with reference to the Senate sitting as a Court of Impeachment and the Court on the Judiciary, is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules pursuant to Article VII, Section 6 of the Oklahoma Constitution.

Pgr 2 Article VII-A of the Constitution of the State of Oklahoma provides that the Court on the Judiciary, exclusively, may remove or compel the retirement of a judge of any court, exercising judicial powers under Article VII, or any other provision of the Constitution of Oklahoma.

Pgr 3 Pursuant to Article VII, Section 6 of the

Constitution of Oklahoma, the original and exclusive jurisdiction of this court extends to general operational and administrative control over all inferior courts and all agencies, commissions and boards created by law.

Pgr 4 While historically the Chief Justice has administered forms of disipline short of removal, the Supreme Court will promulgate written rules to investigate and administer judicial discipline for misconduct that does not warrant removal from office or compulsory retirement on or before December 31, 2006.

pgr 5 These measures are being taken today in the best interest of the public, to ensure that uniform rules are promulgated by this Court to protect and preserve the integrity, detachment and neutrality of judicial decision-making by judges who are uninfluenced by other forces in the government.

Pgr 6 ADOPTED BY THE SUPREME COURT IN CONFERENCE THIS 30TH DAY OF MARCH, 2006.

S\ JOSEPH M. WATT
JOSEPH M. WATT
CHIEF JUSTICE

ALL JUSTICES CONCUR

Appendix E

TULSA WORLD

Wednesday, April 26, 2006

ABLE: SUPERVISOR AXED

State agency fires Easley

The Alcoholic Beverage Laws Enforcement Commission agent had been under scrutiny.

by Ziva Branstetter
World Projects Editor

An ABLE supervisor who allegedly falsified time sheets was fired by the agencyTuesday.

The Alcoholic Beverage Laws Enforcement Commission issued a press release Tuesday saying it had fired Michael Easley, special agent in charge of the northern district, effective Tuesda

Director Keith Burt said Easley has appeal rights and declined additional comment.

Burt previously asked Attorney General Drew Edmondson's office to investigate whether Easley violated any laws. That investigation is continuing, ABLE's release said.

Easley is a 19-year veteran of the agency. He is the brother of Kevin Easley, former state senator and now chief executive officer of the Grand River Dam Authority. His Mother, Mary Easley, is a state senator from Tulsa.

See Easley A-3

EASLEY: Easley's attorney says the firing occurred "for no valid reason."

The Oklahoma Highway Patrol stopped Mike Easley Oct. 19 on the Muskogee Turnpike after receiving a complaint about a truck using its emergency lights. Easley reportedly told troopers he was late to teach a class at Bacone College in Muskogee.

Since August 2005, Easley has taught criminal justice classes at Bacone that met for two hours on Tuesday and Wednesday nights. On at least 30 days, time sheets submitted by Easley claimed he worked eight hours on days he was teaching the classes, records show.

Easley also taught short criminal justice courses at Northeastern State University in Broken Arrow. Records for Jan. 4 and 5 show he claimed he worked 16 hours for the state. On both of those days, Easley taught a course on Oklahoma's concealed-carry law from 1 to 9 pm., according to university officials.

State law makes it a felony for any person to knowingly make a false claim for state funds. Violation of the law carries a fine of up to $10,000 and up to two years in prison.

Easley also used his state-issued PikePass on the Muskogee Turnpike at least 24 times last year on evenings when the Bacone class met.

ABLE forbids employees from using their state

cars for personal business and says that employees who violate the policy shall be discharged. The policy also forbids the use of emergency equipment unless agents are assisting motorists, responding to accidents or coming to assist officers.

Easley's attorney, Carl Hughes, released a statement Tuesday saying the firing occurred "for no valid reasons." He said the agency told him Easley "was lax in his paperwork."

"During three days of pre-termination hearings for Easley, Burt listed a handful of minor violations of ABLE policy, but noted none of the violations was an offense that would lead to termination," the statement says.

Hughes' statement also says Easley met or exceeded standards during his last employee review in December.

"That leads us to believe he was fired because of some negative stories in the paper and TV. If true, that is a violation on the part of the ABLE Commission.

Before his employment with ABLE, Easley was dismissed from a job at the Oklahoma Tax Commission. The agency's records do not show the reason for that dismissal. Burt said Easley is a member of the Oklahoma Law Enforcement Retirement System and that agency would determine the status of Easley's retirement pay.

APPENDIX F
CODE OF JUDICIAL CONDUCT

Effective November 1, 1997
Including Amendments received through
November 1, 2003

Research Note

Annotations to the Code of Judicial Conduce are available in Oklahoma Statutes Annotated, Title 5, Chapter 1, Appendix 4, and in the OK-RULESdatabase on Westlaw®. Westlaw may also be used to search for specific terms in court rules or to update court rules. See the OK-RULES and OK-ORDERS Scope Screens for further information.

Amendmentsto these rules are published, as received, in the P.3d and Oklahoma Decisions advance sheets.

Canon

1. A Judge should Uphold the Integrity and Independence of the Judiciary.
2. A Judge Should Avoid Impropriety and the Appearance Of Impropriety in All of the Judge's Activities.
3. A Judge Should Perform the Duties of Judicial Office Impartially and Diligently.

CANON 1. A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

[Effective November 1, 1997.]

CANON 2. A JUDGE SHOULD IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

A. A judge should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family social, political or other relationships to influence the judge's judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interests of the judge or others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

[Effective November 1, 1977.]

CANON 3. A JUDGE SHOULD PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

A. Judicial Duties in General . The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In performance of those duties, the following standards apply.

B. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should not be swayed by partisan interests, public clamor or fear of criticism.

(2) A judge should require order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom he the judge deals in official capacity, and should require similar conduct of lawyers, and of his staff, court

officials and others subject to the judge's direction and control.

(4) A judge should perform judicial duties without bias or prejudice. A judge should not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and should not permit staff, court officials and others subject to the judge's direction and control to do so.

(5) A judge should require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age , sexual orientation, or socioeconomic status, against parties, witnesses , counsel or others. This Section 3B(5) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age , sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

(6) A judge should accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge should not initiate, nor consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

> (a) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided that the judge reasonable believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication.

(b) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, with a record being made, and affords the parties reasonable opportunity to respond.

C. Disciplinary Responsibilities. A judge should report to the appropriate disciplinary authority any unprofessional conduct of a judge or lawyer of which the judge may become aware.

E. Disqualification.

(1) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonable be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

(c) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or has an interest more than de minimis that could be substantially affected by the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have an interest more than de minimis that could be substantially affected by the proceeding.

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.

APPENDIX G

PHILLIPS PETROLEUM CO.

v.

TAYLOR et al.

Circuit Court of Appeals, Fifth Circuit # 9421

Jan. 14, 1941.

Cite as: 116 F.2d 994, U.S. Supreme Court, 313 U.S. 565

Exerpt page 995 and 996

Page 995

[1][2][3][4] It is well settled that, under the lease in the case, the assignee impliedly covenanted to protect the lessor from drainage. [FN3] To determine whether or not the assignor also has the protection of an implied covenant, the same rules govern as are applied to covenants in contracts between the lessor and lessee; [FN4] and the obligations between the assignor and assignee are what the contract of assignment makes them, in the light of the provisions of the lease assigned. [FN5] These rules are to be applied to the facts of this case and to be considered in the light of the law of Texas, that an overriding royalty, created by assignment, is an interest in real estate regarded as a covenant running with the land as between the assignor and assignee, and enforceable by the assignor against the assignee. Emerson v. Little Six Oil Co., 5 Cir., 3 F.2d 265; Colquitt v. Eureka Producing Co., Tex. Comm.App., 63 S.W.2d 1018, 67 S.W.2d 224; Holiday v. Erwin, Tex. Civ. App., 85 S.W.2d 355

Page 995 and Page 996

[6][7][8][9] The law requires an assignee who stands in the

shoes of his lessee-assignor, to do that which an ordinary prudent operator would do under the circumstances, having due regard for the interests of all parties. [FN7] When a mineral lease is purchased, the lessee or his assignee must do one or more of three things: He must drill, pay rent, or forfeit *996 the lease. If he drills and finds oil, he neither rents nor forfeits, but he pays the royalty, and he must develop the property diligently; if he does not drill, but retains the lease, he must pay rental; if he neither drills nor pays rent, he must forfeit his lease. For the protection of the lessor, the law imposes upon the assignee the duty, when he drills, to exercise reasonable prudence solely in order to prevent loss to the lessor of that which is rightfully his, be the loss by drainage or refusal to capture or surrender the lease. This duty, where not expressed, is imposed by implied covenant. Applying the same principle to the assignor and assignee in this case, it seems entirely reasonable to impose a similiar duty.

Page 996

The conclusion reached by us can prejudice no one, since the implied covenant in favor of the lessor already has placed the onus of drilling or compensating for the failure to do so, and this obligation is not increased by our holding. Under any other holding, the assignor, his consideration consisting of royalty alone, might be seriously prejudiced by deprivation of his only enforcement privilege.

The petition for rehearing is denied.

APPENDIX H

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S.C.S. Const. Amend. 14, § 1 (2005)

Sec. 1. [citizens of the United States]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C.A. § 455 (a)

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

APPENDIX I

OKLAHOMA STATUTES INVOLVED

OKLAHOMA STATUTES ANNOTATED

O.S. Title 12. § 100. Limitation of new action after reversal or failure otherwise than on merits

If any action is commenced within due time, and a judgment thereon for the plaintiff is reversed, or if the plaintiff fail in such action otherwise than upon the merits, the plaintiff, or, if he should die, and the cause of action survive, his representatives may commence a new action within one (1) year after the reversal or failure although the time limit for commencing the action shall have expired before the new action is filed.

R.L.1910, § 4662; Laws 1975, c. 44 § 1, emerg. eff. March 31, 1975.

O.S. Title 21 § 461. Larceny or destruction of records by clerk or officer

Any clerk, register or other officer having the custody of any record, maps or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, and in addition thereto, such person shall forfeit office.

R.I.1910 § 2207; Laws 1997, c. 133, § 201, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 112, eff. July 1, 1999

CERTIFICATE OF GOOD FAITH

I, Petitioner Dr. Robert Olson, do hereby certify that this Petition for Rehearing is restricted to the grounds specified in Paragraph 2 of Rule 44. Rehearing.

The grounds are of a substantial and controlling effect and other substantial grounds not previously presented.

This Petition for Rehearing is presented in good faith and not for the purpose of delay.

Sincerely,

Robert Olson

Dr. Robert Olson
9022 E 60th Street
Tulsa, Oklahoma 74145
(918) 252 1987